

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
KELLY PRICE, :  
:

Plaintiff, :

15 Civ. 5871 (KPF)

v. :

**ORDER**

THE CITY OF NEW YORK, *et al.*, :

Defendants. :  
:  
-----X

KATHERINE POLK FAILLA, District Judge:

Late last year, Plaintiff Kelly Price provided documentation indicating that numerous files had been deleted from two cell phones that she had turned over nearly nine years earlier to members of the Manhattan District Attorney’s Office while the cell phones were in that Office’s possession. (Dkt. #183). Having carefully considered both Ms. Price’s submission (Dkt. #183), and the information provided by Ms. Price at the November 5, 2020 conference (Dkt. #181), the Court believes it is appropriate to hear from one or more representatives of the previously-dismissed members of the District Attorney’s Office (the “DANY Defendants”). Accordingly, it is hereby ORDERED that counsel for the DANY Defendants and parties appear for a conference on **September 17, 2021**, at **10:00 a.m.** The conference will proceed by videoconference, and instructions for accessing the conference will be provided to the parties separately.

Currently, the Court does not contemplate needing to hear from the City Defendants or Ms. Price at the conference, although it may direct questions to either or both based upon the DANY Defendants' presentation. Counsel for the DANY Defendants should be prepared to address the following issues:

- i. Who at the District Attorney's Office obtained the phones from Ms. Price;
- ii. Who secured and/or vouchered the phones;
- iii. Where the phones were stored while they were in the possession of the District Attorney's Office;
- iv. Who had access to the phones while they were in the possession of the District Attorney's Office;
- v. What was done by or on behalf of the District Attorney's Office upon receiving the phones;
- vi. What happened to the files that were apparently deleted from the phones;
- vii. Whether the District Attorney's Office is in possession of the files that were apparently deleted from the phones; and
- viii. Why the phones were not returned to Ms. Price until March 2020.
- ix. What Ms. Price was told by members of the District Attorney's Office as to why the phones were not being returned to her prior to March 2020.

The City Defendants shall transmit a copy of this Order to counsel for the DANY Defendants on or before September 3, 2021.

SO ORDERED.

Dated: August 31, 2021  
New York, New York



---

KATHERINE POLK FAILLA  
United States District Judge